

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/027,073 Confirmation No. 9825
Applicant : William C. Dengler
Filed: : December 20, 2001
Title: : INTERNET-BASED INTEGRATED HEALTHCARE
DELIVERY SYSTEM AND PROCESS
TC/ Art Unit : 3626
Examiner : BLECK, C. M.
Atty Docket No. : 2824/1
Customer No. : 23638

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37
(RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF)

Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief mailed May 14, 2007 ("Notification").

The Notification states in item 4 and item 10 that the Appeal brief filed March 7, 2007, is defective because "[t]he brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal," and

specifically, “[a]pplicant does not refer to independent claims 33 and 40.” A replacement section (v) of the appeal brief (summary of the claimed subject matter) begins on page 4 of this response. The replacement section (v) clearly refers to independent claims 33 and 40, as well as dependent claim 49, referring to the specification by paragraph number, and to the drawings by figure number and reference numbers. Independent claims 33 and 40 recite substantially the same elements and limitations with claim 40 further directed to a specific selected medical condition; namely, gastroesophageal reflux disease (GERD). Dependent claim 49 recites further limitations to the method of claim 33 relating to conducting patient satisfaction surveys to monitor the patient's progress, and receiving and storing the survey results in the database. As a result, the replacement section (v) of the appeal contains the requisite concise explanation of the independent and dependent claims under rejection that are being argued in the appeal. Accordingly, Applicant respectfully requests that the replacement section (v) be entered and the amended appeal brief considered on the merits.

The Notification further states in item 7 and item 10 that the Appeal brief filed March 7, 2007, is defective because “[a]pplicant has attempted to amend claims 35, 40 and 46 in the appeal brief.” A replacement section (viii) of the appeal brief (claims appendix) begins on page 7 of this response. Applicant notes that no attempt to amend the claims was made in the appeal brief. Instead, Applicant merely pointed out in

Application No. 10/027,073
Amended Appeal Brief dated May 21, 2007
Response to Notification of Non-Compliant Appeal brief
mailed May 14, 2007

footnotes minor obvious errors that could be corrected during the appeal process in order to expedite the already protracted prosecution. The footnotes containing the suggested claim amendments have been deleted. As a result, the replacement section (viii) is a correct copy of the appealed claims. Accordingly, Applicant respectfully requests that the replacement section (viii) be entered and the amended appeal brief considered on the merits.

This response is being timely filed within 1 month of the mailing date of the Notification and is fully responsive thereto. Thus, no fee is due with this response. Accordingly, Applicant respectfully requests the Examiner to enter the appeal brief, as amended herein, and to consider the appeal brief on the merits.

Respectfully submitted,

/W. Thad Adams, III/

W. Thad Adams, III
Registration No. 29,037

ADAMS EVANS P.A.
Suite 2350 Charlotte Plaza
201 South College Street
Charlotte, North Carolina 28244
Tel. 704-375-9249
Fax: 704-375-0729
e-mail: wta@adamspat.com

(v) Summary of claimed subject matter

In general, the invention provides a unique system and method that integrates the delivery of healthcare services by multiple healthcare providers to a patient so that the patient can receive comprehensive treatment for his or her medical condition without having to resort to self-management of a confusing maze of medical records, appointments, and treatment options. Specification at para. [0004]. Unlike prior art systems having software that dictates to the user the type of medical care to be provided to the patient, the system and method of the present invention serves as a management tool for assimilating all medical records (i.e. test results) and information regarding a patient at a central location (i.e. a database) so that a healthcare provider can more efficiently utilize the records and information to make decisions regarding treatment for the patient. Specification at para. [0005].

The embodiments of the invention recited in independent claims 33 and 40 relate to methods of coordinating delivery and integrating management of healthcare services from multiple healthcare providers 18 to effectively treat a patient 16 having a selected medical condition, such as gastroesophageal reflux disease (GERD) specifically recited in claim 40. See FIG. 1. The methods comprise providing a computerized information management system including a server 24 and at least one computer 28. The server includes a database 22 operable to receive and store data regarding the patient for retrieval from the database. Specification at para. [0059]; FIG. 2. The computer

communicates with the database via a communications network (e.g. Internet) 34 to permit a user (i.e. coordinating party 14; patient 16; healthcare provider 18; system administrator 39) to access the data. The methods further include selecting a plurality of tests 72 (from a menu of tests 70) to be conducted on the patient to assist in diagnosing the selected medical condition, or an aspect thereof (claim 33), such as GERD (claim 40). Specification at para. [0065]; FIG. 7, step 65. A list of the tests 72 is then stored in the database so as to enable a user to track the completion status of the tests via the computer. Specification at para. [0067]; FIG. 7, step 65. The methods further include using the computer to solicit from a user a subset of test results selected from the set of possible results for that test. Specification at para. [0069]; FIG. 8, step 96. The subset of test results is then stored in the database. Id. The methods further include creating a summary 108 which simultaneously displays the subsets of test results for all of the selected tests for use by a healthcare provider in selecting a treatment track for treatment of the selected medical condition (claim 30), such as GERD (claim 40), based on the test results. Specification at para [0070]; FIG. 8; FIG. 15A; FIG. 15B. The summary is then stored in the database. Specification at para. [0070].

In a preferred embodiment recited in claim 49, the method of claim 33 further includes creating and storing a survey schedule and prompting the coordinating party to conduct patient satisfaction surveys to monitor the patient's progress within the

treatment track in accordance with the survey schedule, and receiving the results of the patient satisfaction surveys in accordance with the survey schedule, and storing the survey results in the database. Specification at para. [0074] and FIG. 8.

(viii) Claims appendix

The following is an appendix listing the claims involved in this appeal:

33. A method of coordinating management of healthcare services for a patient having a selected medical condition, comprising:

- (a) providing a computerized information management system including:
 - (i) a server including a database operable to receive and store for retrieval data from an information source regarding a patient which is collected by a coordinating party; and
 - (ii) at least one computer communicating with the database via a communications network for processing the data so as to permit a user to access the data;
- (b) selecting a plurality of tests to be conducted on the patient, the tests selected to diagnose the selected medical condition or an aspect thereof; and storing in the database a list of the tests so as to enable tracking of the completion status of the tests using the computer;
- (c) for each of the tests, using the computer to solicit from the user a subset of test results selected from the set of possible results for that test; and storing the subset of test results in the database; and

- (d) creating a summary which simultaneously displays the subsets of test results for all of the selected tests for use by a health care provider in selecting a treatment track for treatment of the selected medical condition based on the test results; and storing the summary in the database.

34. The method according to claim 33, wherein the communications network comprises a global communications network.

35. The method of claim 33, wherein the treatment track comprises a preselected event selected from the group consisting of a lifestyle change, a prescription for medication, an appointment with a healthcare provider, an outpatient procedure, and an inpatient procedure for treating the selected disease.

36. The method of claim 33, further including the step of providing the user access to the data by providing a Web site maintained by a system administrator and accessible by the user.

37. The method of claim 36, further comprising the step of providing a preselected password to the user for selectively permitting the user to access said Web site.

38. The method of claim 33 wherein said coordinating party is selected from the group consisting of a healthcare provider and a registered nurse.

39. A method of coordinating delivery of healthcare services according to claim 33, wherein said information source is selected from the group consisting of the patient, the user, and a healthcare provider.

40. A method of integrating management of healthcare services relating to gastroesophageal reflux disease (GERD), comprising:

- (a) providing a computerized information management system including:
 - (i) a server including a database configured to receive and store for retrieval data from an information source regarding a patient and collected by a coordinating party;
 - (ii) at least one computer communicating with the database via the communications network for processing the data for permitting a user to access the data;
- (b) selecting a plurality of tests to be conducted on the patient, the tests selected to diagnose GERD or an aspect thereof; and storing in the database a list of the tests so as to enable tracking of the completion status of the tests using the computer;

- (c) for each of the tests, using the computer to solicit from a party a subset of test results selected from the set of possible results for that test; and storing the subset of test results in the database; and
- (d) creating a summary which simultaneously displays the subsets of test results for all of the selected tests for use by a health care provider in selecting a treatment track for treatment of GERD based on the test results; and storing the summary in the database.

41. The method according to claim 40, wherein the communications network comprises a global communications network.

42. The method of claim 40, wherein the treatment track comprises a preselected event selected from the group consisting of a lifestyle change, a prescription for medication, an appointment with a healthcare provider, an outpatient procedure, and an inpatient procedure for treating GERD.

43. The method of claim 40, further including the step of providing the user access to the data by providing a Web site maintained by a system administrator and accessible by the user.

44. The method of claim 43, further comprising the step of providing a preselected password to the user for selectively permitting the user to access said Web site.

45. The method of claim 40 wherein the coordinating party is selected from the group consisting of a healthcare provider and a registered nurse.

46. A method of coordinating delivery of healthcare services according to claim 40, wherein the information source is selected from the group consisting of the patient, the requesting party, and a healthcare provider.

47. The method of claim 40, wherein the tests are selected from the group consisting of endoscopy, esophageal manometry, ph monitoring, X-rays, and gallbladder ultrasound.

48. The method of claim 40, wherein the tests include: endoscopy, esophageal manometry, ambulatory ph monitoring, upper gastrointestinal X-rays, and gallbladder ultrasound.

49. The method of claim 33, further comprising the steps of:

- (a) creating and storing a survey schedule and prompting the coordinating party to conduct patient satisfaction surveys to monitor the patient's progress within the treatment track in accordance with the survey schedule; and
- (b) receiving the results of the patient satisfaction surveys in accordance with the survey schedule, and storing the survey results in the database.